



September 13, 1999

Ms Alejandra I. Villarreal
Wickliff & Hall
Alamo National Building
105 S. St. Mary's Street, Suite 700
San Antonio, Texas 78205

OR99-2544

Dear Ms. Villarreal:

On behalf of the Alamo Community College District (the "district"), you ask us to reconsider Open Records Letter No. 99-1926 (1999). Your request for reconsideration was assigned ID# 128002.


The district received a request for information pertaining to a job posting. The district sought to withhold one responsive document, exhibit B, from disclosure under sections 552.103 and 552.111 of the Government Code. In Open Records Letter No. 99-1926, this office concluded that neither section 552.103 or section 552.111 excepted the exhibit B from disclosure.

In determining that section 552.103 did not except exhibit B from disclosure, this office failed to take into account the fact that an applicant for the posted position had filed an EEOC complaint against the district. Based upon this additional fact, we conclude that exhibit B is excepted from disclosure under section 552.103.¹ See Open Records Decision No. 336 (1982) (a pending complaint before the EEOC indicates a substantial likelihood of

¹We assume that the opposing party in the litigation has not previously had access to the record at issue; absent special circumstances, once information has been obtained by all parties to the litigation, *e.g.*, through discovery or otherwise, no section 552.103 interest exists with respect to that information. Open Records Decision Nos. 349 (1982), 320 (1982). We also note that the applicability of section 552.103 ends once the litigation has concluded. Attorney General Opinion MW-575 (1982); Open Records Decision No. 350 (1982).

litigation relating to the complaint). Open Records Letter No. 99-1926 is overturned to the extent that it conflicts with this ruling.

Sincerely,

A handwritten signature in cursive script, appearing to read "Karen Hattaway".

Karen E. Hattaway
Assistant Attorney General
Open Records Division

KEH/ljp

Ref.: ID#128002

Encl. Submitted documents

cc: Ms. Joann Moser
142 Huxley
San Antonio, Texas 78218
(w/o enclosures)